Salaf's quotes on kufr of man-made laws

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The following are a list of various scholars accepted by the Salafiyeen, along with their stances towards the issue of those who rule according to other than what Allah (Subhanahu wa-Ta'ala) has revealed. Is it Kufr Akbar or Kufr doona Kufr?

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1. Imam Ibn Jareer At-Tabaree (d. 310H):
"Allah ta'ala says, whoever conceals the Hukm of Allah, which He revealed in His Book and made it a law between the slaves – so he hides it and rules with other than it like the Hukm of the Jews concerning the married fornicators with whipping of the guilty and blackening their faces and concealing the Hukm of stoning and like their judging upon some of their murdered with full blood-money and some with half of their blood-money. And concerning the noble people, they would have Qisaas but the commoner would only get the blood money. But Allah made all of them equal in the Tauraat: ...such are the Kafirun. They are the ones who concealed the truth, which was upon them to uncover and make clear. And they hid it from the people and they showed something different to the people and they judged according to that (changed Hukm) because of a bribe they took from them." – "Tafseer Al-Tabaree", Vol. 4/592.
[* It is the opinion of the salaf and 'ulama that these Ayat are general for anyone who does what the Jews did, and such is Al-Kufrul Akbar. This is a clear understanding which was especially strong among the Najdee imams of the Da'wah, including Shaykh Abdul-Lateef ibn Abdur-Rahman Aal ash-Shaykh, may Allah have mercy upon them all.]

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2. Imam Ibn Hazm al-Andalusee (d. 456H):
"Whoever rules by the Gospel in issues where there is no text from revelation in the Sharee'ah of Islam, then he is a Kafir Mushrik outside of Islam." – "Ihkaam al-Ahkaam Fee Usool al-Ahkaam", 5/153.
[* If this is the case regarding those who rule by a previously revealed Book, how much more so with those who rule by other than the Revelation?]

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3. Shaykh al-Islam Ibn Taymiyyah (d. 728H):
"Whenever a person makes halal what is haram by consensus or makes

haram what is halal by consensus or replaces the Sharee'ah that is agreed upon by consensus, then he is a Kaffir by the agreement of the scholars of Fiqh." – "Al-Fataawa", Vol. 3/267.

"The Sharee'ah revealed from Allah ta'ala, which is the Qur'an and Sunnah that Allah sent His Messenger with, no one from the creation is allowed to leave it. And no one leaves it but a Kaffir." – "Al-Fataawa", Vol. 11/262.

"And it is known by necessity in the Deen of the Muslims and by the agreement of all the Muslims that whoever follows a Sharee'ah other than the Sharee'ah of Muhammad then he is a disbeliever and it is like the Kufr of the one who believes in some of the Book and disbelieves in some of the Book." –"Al-Fataawa", Vol. 28/524.

"A scholar who abandons what has learnt from the Qur'an and the Sunnah and follows a ruler who does not rule in accordance with the teaching of Allah, subhanahu wa-ta'ala, and His Messenger, salla Allahu 'alayhi wa sallam, is an apostate and a disbeliever who deserves punishment in this world and in the hereafter." –"Al-Fataawa", Vol. 35/373.

"If the ruler was religious and yet ruled ignorantly without knowledge, he would end up in Hell-Fire. But if he is aware of the Divine laws and yet he ruled by other than the truth of which he is aware, he would belong to the people of Hell-Fire. And if he rules unjustly and without knowledge, he would be more deserving of Fire. This in case he judges in a case of an individual, but if he judges in a case which concerns the public, and altered the truth into falsehood, and the falsehood into truth, the Sunnah into Bid'ah, or the Bid'ah into Sunnah, and the good into evil and the evil into good, and opposes the commands of Allah and His Messenger and commands what Allah and His Messenger forbid, then this is another type to be judged by Allah, the Rabb of the Worlds, and the Ilaah of the Messengers, the Proprietor of the Day of Judgement, to Whom belongs all the praise in the beginning and the end." – "Al-Fataawa", p. 388.

"There is no doubt that he who does not believe in the incumbency of ruling by what Allah sent to His Messenger is an infidel. So he who deems it lawful to judge between people according to what he deems as justice without adhering to what Allah sent down is an infidel too.

"There is not a nation but enjoins ruling with justice, although justice according to their religion is what their leaders or chiefs consider as such. There are many who claim to be Muslims, [who] rule by their mores and customs which were not revealed by Allah, such as the

customs of the Bedouins, which they inherited from their forefathers who were obeyed rulers. They believe that such customs must be applied, excluding the Book and the Sunnah, and such belief constitutes infidelity.
“There are many people who accept Islam, but do not rule except by the prevailing customs that are commanded by obeyed lords (taghut). Such people know that it is not permissible to rule by other than what Allah revealed, but do not apply them, rather they deem as lawful to rule by other than what Allah sent down, they are infidels.” – “Minhaaj as-Sunnah”.
[* And this is the ruling which the shaykh, the mujaddid of his century, implemented in regards to the Tartars. For they followed Al-Yaasiq, a law which combined elements from various religions with the laws Genghis Khan had fabricated. They did this in exclusion to the Qur'an and Sunnah, whilst claiming to be Muslims. This act of theirs made their blood Halal and Jihad against them an obligation.]
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4. Imam Ibn Qayyim al-Jawziyyah (d. 751H):
“(A taghoot is) every one who exceeded his limits (whether he is) worshipped, followed or obeyed. So, the taaghoot of any people is the one who they make as a judge besides Allah and His Prophet, or worship him except Allah, or follow him without taking any consideration of Allah, or obey him in a matter where they do not know it is an obedience for Allah. Whosoever does not judge or turn to what the Messengers of Allah brought for judgement is eventually following a (false) deity.” – “E’laam Al-Muwaaqi’een,” vol. 1/50.
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5. Al-Haafidh Ibn Katheer (d. 774H):
“Allah ta’ala makes Inkaar (i.e. vehemently objects to) those who turn away from Allah’s Sharee’ah; the laws that are good for the Muslims; the laws that forbid what is evil. Allah rejects those who follow laws of personal desires and who adopt laws of Kufr such as the laws enforced by the Tartars who were under the control of Genghis Khan, their King. These laws were a mixture of Judaism, Christianity and laws chosen by their King which suited his desires. Should we prefer these laws over the Sharee’ah of Allah and His Prophet (sallallahu ‘alayhi wa sallam)?! Whoever does this is a Kaafir and killing him is Waajib!” – “Tafseer Ibn Katheer”, explanation of Surah Al-Ma’idah, Ayah 50.
“So whoever leaves the clear Shari’ah, which was revealed to Muhammad

Ibn Abdullah, the Seal of the Prophets, and takes the Hukm to other than it from the laws of Kufr which are abrogated, he has disbelieved. So what about the one who takes the Hukm to the 'Yasiq' (the law of the Tartars which mixed Shari'ah rulings with invented rulings) and puts it before it?! Whoever does that, he has disbelieved by the Ijmaa' of the Muslims." – "Al-Bidaayah wa Nihaayah", Vol. 13/118-119.

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6. Shaykh al-Islam Muhammad ibn Abdul-Wahhab (d. 1205H):

"Verily those tawagheet, whom people believe, that it is obligatory to obey besides Allah – they are all kaffir apostates from Islam.

"How can you say no?! When they make halal what Allah made haram, and made haram what Allah has made halal, and they seek to corrupt the land with their words, and actions and support? And whoever argues for them, or is critical of the one who does takfeer of them, or claims that this act of theirs – although wrong – still doesn't take them out of Islam to kufr, then the least that one can say of this arguer is that he is a faasiq, because the deen of Islam cannot be upright except by seeking innocence from those people, and doing takfeer of them." – "Ar-Rasaa'il ash-Shakhsiyyah", p. 188.

"The word Taghoot is general. So everything that is worshipped besides Allah, while being pleased with this worship – whether it is something worshipped, someone followed, or someone obeyed in the absence of obedience to Allah and His Messenger, then that is considered Taghoot. The Tawaagheet (pl. of Taghoot) are many, but their heads are five:...

"The Second: The tyrannical and oppressive ruler who changes Allah's rulings. The proof for this is Allah's saying, 'Have you not seen those (hypocrites) who claim to believe in that which has been revealed to you, and that which was revealed before you, and they wish to go for judgement (in their disputes) to the Taghoot, when they have been ordered to reject them? But the Devil wishes to lead them far astray.'(Surah An-Nisaa: 60)." – "Ma'anaa at-Taghoot wa-Ru'oos Anwaa'ihi".

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7. Imam Ash-Shawkanee (d. 1250H):

"Now we will make clear to you the condition of the second type and it is the Hukm of the people of the state who aren't under the command of the state....

"from it is that they judge and take the Hukm to the ones who know the Ah'kaam of the Tawagheet in all of the matters that they are in charge of

and they take it to them without making Inkaar and without any shame in front of Allaah or His slaves and they do not fear anyone, rather they can rule with that anyone who they are able to reach from the citizens and those who surround them. And this is a known matter, which no one can deny or reject, and this is well known. And there is no doubt that this is Kufr in Allah, subhanahu wa-ta'ala and His Sharee'ah, which He ordered with upon the tongue of His Messenger and chose for His slaves in His Book and upon the tongue of His Messenger. They even disbelieved in all of the laws from the time of Adam (pbuh) until now and the Jihaad against them and fighting them is Waajib until they accept the laws of Islaam and submit to them and rule among with the pure Sharee'ah and they leave what they were upon of Tawagheet Shaytaaneeyah....

"and it is known from the rules of the pure Sharee'ah and its texts that whoever puts himself to fight those people and seeks the aid of Allah and makes his intention sincere, then he will be from the victorious and he will have the reward because Allah will give victory to whoever supports Him. And: 'And if you give victory to Allah, He will give victory to you and firmly plant your feet. And the reward is for the Muttaqun.

"So if he who was able to fight them, leaves the making Jihad against them, then he is under the threat of punishment descending upon him and deserving of what comes upon him because Allah has placed over the people of Islam certain groups as a punishment for them because they would not leave the Munkaarat and they did not try to adhere to the pure Sharee'ah just like what happened with the conquering of the Khawaarij in the early days of Islaam then the conquering of the Qaramatah and the Batineeyah then the conquering of the Turks until they almost wiped out Islaam and like what occurs often with the conquering of the Europeans and the people like them. So keep and open mind, O people of sight! Verily, there is a lesson in this for whoever has a heart or was given hearing and the gift of sight!" – From his letter "Al-Dawa Al-'Ajaal", which came within "Ar-Rasa'il As-Salafeeyah", pp. 33-35.

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8. Shaykh Abdur-Rahman Ibn Hasan Aal ash-Shaykh (d. 1275H):

"So it is made clear with this, that the Ayah (9:31) proves that whoever obeys other than Allah and His Messenger and turns away from taking from the Book and the Sunnah, concerning making Halal what Allah made Haram or making Haram what Allah made Halal or obeys him in the disobedience of Allah and follows him in what Allah did not give

permission for, then he has taken him as a lord and something worshipped and made him a partner with Allaah and that contradicts the Tawheed which is the Deen of Allah that the words of Ikhlaas: La Illaaha il-Allah, have indicated. (This is) because the Ilaah is the thing, which is worshipped, and Allah, ta'ala labeled their obedience as worship towards them and called them lords.
"Like He, ta'ala said: 'And He does not order you to take the angels and the Prophets as lords… ' In other words, '… as partners with Allah in His worship… ' – 'Does He order you to do Kufr after you were Muslims? ' And this is the Shirk because anything which is worshipped is a Lord and all things, which are obeyed or followed concerning other than what Allah or His Messenger have legislated, then he has been taken by the obedient one or the follower as a Lord and a thing to be worshipped.
"Like He, ta'ala said in Surah An'am: 'And if you obeyed them, then you are Mushrikeen. ' And this is the meaning of this Ayah and like this Ayaah in meaning is His, ta'ala's saying: 'And do they have partners who have legislated in the Deen what Allah did not give permission for? ' And Allah knows best." – "Fath Al-Majeed Sharh Kitab Al-Tawhid", Dar Al-Fikr, pp. 110-111.
"Whoever calls towards other than the law of Allah and His Messenger, has departed from what the Messenger (peace and blessings upon him) came with, preferred something else over it, and made to Allah a partner in obedience, and has infringed what the Messenger (saws) came with, of what Allah Most High has commanded him: 'And judge between them with what Allah has revealed and do not follow their whims' (Surah Al-Ma'idah, 49).
"So whoever infringes what Allah has commanded His Messenger (peace and blessings upon him) by ruling with other than what Allah has sent, or demands to follow his own whims has broken the collar of Islam and Iman from his neck, even if he claims to be a Muslim." – "Fath Al-Majeed Sharh Kitab Al-Tawhid", p. 292.
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9. Shaykh Abdul-Lateef Ibn Abdur-Rahman Aal Ash-Shaykh (d. 1293H): When asked concerning what the Bedouins judge with according to the customs of their fathers and grandfathers. "Do we label them with Kufr after it is made clear to them (that this is not permissible and when they continue)?"
So he answered, "Whoever takes the judgement to other than the Book of Allah and the Sunnah of His Messenger after it is made clear to him (that

this is not permissible), then he is a Kaafir. He, ta'ala said:
'And whosoever does not judge by what Allâh has revealed, such are the Kâfirûn. '
(And He ta'ala also said) 'Is it other than the Deen of Allah that they seek? '
(And He ta'ala also said)
'Have you seen those (hyprocrites) who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgement (in their disputes) to the Tâghût (false judges, etc.) while they have been ordered to reject them. ' 'And the Aayaat with this meaning are many." – "Dur'ur As-Saneeyah fi'Al-Ajwibah An-Najdeeyah", Vol. 8/241, Published by Dar Al-Iftaa' bil Saudeeyah, 1385 H.
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10. Shaykh Hammad Ibn 'Ateeq an-Najdee (d. 1301H):
"And the Fourteenth Matter is Taking the Hukm to Other than the Book of Allah and His Messenger. " And then he mentions the Fatwaa of Ibn Katheer under the Ayah: "Is it the Hukm of Jahileeyah which they seek?", which we have narrated earlier. Then he said, "And like this is what the general people of the Bedouins and those like them fell into with regards to taking the Hukm to the customs of their forefathers and that which their ancestors established from the accused customs, which they label 'The Sharee'ah of Reefawah' they put it before the Book of Allah and the Sunnah of His Messenger. So whoever does that; then he is a Kaafir and it is Waajib to fight him until he returns to the Hukm of Allah and His Messenger." – "Majmoo'at At-Tawheed ", p. 412.
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11. Shaykh Ahmad Shaakir (d. 1377H):
"So look, O Muslims, in all of the Islamic countries or the ones which claim to be Islamic, in all the parts of the Earth, to what your enemies from the missionaries and colonists have done to you! They have put upon the Muslims, laws of misguidance, which destroy the etiquettes and the Deen. European laws, which are idols, which were never based upon any Sharee'ah or Deen, rather they were based upon rules that were made by the Kuffar who refused to believe in the Messenger of their era, Isa, alayhi sallam.
"And he remained upon his paganism with with what he had from Fisq and Fujoor (i.e. oppression). This person was Justinian, the father of the laws and the one who established the basis – so they claim – and an

important man from Egypt who – due to oppression – attributes himself to Islam, and who did not feel too ashamed to translate the laws of that transgressing pagan and he called it 'The Code of Justinian,' insulting 'The code of Maalik,' one of the encyclopedias of Islamic Jurisprudence, which was based upon the Book and the Sunnah, and which is attributed to the Imam of Dar Al-Hijjrah (i.e. Madinah)! So look at the level of absurdity and shamefulness and recklessness of that man!

"These laws, which the enemies of Islam imposed upon the Muslims due to enmity; in reality it is another religion and they made it a Deen for the Muslims in replacement of their pure Deen because they made it obligatory upon them to follow it and obey it. And they put into the hearts, love and adoration for it to the point where you see upon the tongues and the pens, words like, 'The holiness of the judgments,' or 'The holiness of the courts,' or 'The holiness of the laws,' and words like these, which they refuse to describe the Islamic Sharee'ah or the opinions of the Jurists of Islam with! Instead, they describe it (i.e. the Sharee'ah) with words such as, 'Reactionism,' or 'Stagnant,' or 'Priesthood,' or 'the Sharee'ah of the Jungle,' or other than that from the evils that you see in the newspapers or the magazines or modern books, which are written by the followers of those pagans.

"Then they started to label these (fabricated) laws and the studies of those (fabricated) laws with the word, 'Al-Fiqh,' and 'Al-Faqee,' and 'At-Tashree,' and 'Al-Mushaara,' and other words that the 'Ulama of Islam used to describe the Sharee'ah and its 'Ulama. Then they go further and to the degree where they compare the Deen of Islam and its Sharee'ah with their modern Deen, and this modern Deen became the basis which the Muslims take their Hukm to and they judge with it, in most of the Islamic countries whether it is in something that complied with it coincidentally and not out of due to following it and not out of obedience to the command of Allah or the command of His Messenger.

"So whatever complies and whatever contradicts; both are stuck in the mud of misguidance and it leads the one who follows it to the Fire and it is not allowed for a Muslim to be submissive to it or be pleased with it." – "Umdaat At-Tafseer Mukhtaasir Tafseer Ibn Katheer of Ahmad Shaakir", Vol. 3/214-215.

"Have you seen this strong description by Al-Haafidh Ibn Katheer – in the eighth century – about that man-made law, which was fabricated by the enemy of Islam, Genghis Khan? Do you not see that it describes the situation of the Muslims at present, in the fourteenth century? Except for

one difference that we pointed out before, which was that it was within a particular group of rulers, who were destroyed so quickly. Then they were mingled within the Islamic ummah, and the effect of that which they did was removed. Then the Muslims are now in a worse situation and severer in oppression and darkness than them. This is because most of the Islamic ummah are now about to be mingled within the laws which are opposed to the Sharee'ah, and which are similar to that 'Yasiq'.
"The matter in these fabricated laws is clear with the clearness of the sun. It is clear Kufr and there is nothing hidden about it and there is no excuse for anyone who attributes themselves to Islam, whoever they may be, to act according to it or to submit to it or to approve of it. So each person should beware and every person is responsible for himself. So the 'Ulama should make the truth clear and tell what they have been ordered to tell without concealing anything." – "Umdaat At-Tafseer Mukhtaasir Tafseer Ibn Katheer of Ahmad Shaakir", Vol. 4/173-174.
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12. Shaykh Muhammad Hamad al-Faqeeh (d. 1378H):
"And like or (even) worse than this are the ones who take the words of the Kuffar as laws, which they judge with in matters concerning blood and wealth and they put that before that which they know and that is has been made clear to them from the Book of Allah and the Sunnah of His Messenger. So he, without a doubt, is a Murtad if he continues upon that and does not return to the Hukm of what Allah revealed and he will not be benefited by any name which he labels himself with and neither by any outward action that he does from Salat or Siyam or anything else!" – From the Hamish (i. e. margins) of "Fath Al-Majeed", p. 406.
"What we can summarize from the words of the Salaf is that Taghoot is all that deviates the slave and turns him from worshipping Allah, being sincere in religion to Allah, and obeying Allah and His Messenger. This is whether that person or thing is a devil from the humans or Jinn, or if that thing is a tree or rock, etc. What is also included amongst Taghoot, without doubt, is ruling by manmade laws which are foreign to Islam in affairs of life, marriage, divorce, and ownership, to invalidate the Laws of Allah, like establishment of the prescribed punishments, prohibition of interest, adultery, fornication, intoxicants, etc. These things which the manmade laws decided to legalize and defend by means of its makers and implementers. So, the laws themselves are Taghoot, as well as those who legalize and make these laws." – From the footnotes of "Fath Al-Majeed".

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13. Shaykh Muhammad Ibn Ibrahim Aal Ash-Shaykh (d. 1389H):
“….The fifth, and it is the greatest and the most encompassing and the clearest opposition of the Sharee’ah and stubbornness in the face of its laws and insulting to Allah and His Messenger and opposing the courts of the Sharee’ah on their roots and branches and their types and their appearances and judgements and implementations the references and their applications. So just like the courts of the Sharee’ah there are references, all of them returning back to the Book of Allah and the Sunnah of His Messenger like that, these courts have references, which are laws that are assembled from many legislations and laws like the laws of France and America and England and other laws and from the Metha’haab of some of the innovators who claim to be under the Sharee’ah.
“And these courts are now fully operational in the settlements of Islam, people entering them one after another, their rulers judge upon them with what opposes the Sunnah and the Book with the rules of that law and they impose that on them and approve it for them. So what Kufr is there beyond this Kufr and what nullification of the Shahaadah of Muhammadar Rasool-Allah is there beyond this nullification?!” – “Risalat Tahkeem Al-Qawaneen”.
“As for that which is described as kufr doona kufr, it is when he refers the dispute to other than the Book of Allah knowing that he is disobeying Allah by doing so, and that the ruling of Allah is the truth, and He does it once. Such a person would not be committing major infidelity. As for those who legislate laws and make others obey them, this constitutes kufr, even if they claim that they made a mistake, and that the laws of Allah are more just; such is considered as the kufr which entails riddah (i.e. kufrul-akbar).” – “Al-Fataawa”, Vol. 12/280.
“Verily from the greater and clear kufr is giving the accursed man-made laws, the position of that which the faithful spirit descended upon the heart of Muhammad, sallallahu ‘alayhi wa salam, so that he may be from the warners in the clear Arabic tongue, and judging between the nations, and referring back to it, is in contradiction of, and an obstinate rejection of Allah, ta’ala saying: ‘(And) if you differ in anything amongst yourselves, refer it to Allah and His Messenger, sallallahu ‘alayhi wa salam, if you believe in Allah and in the Last Day. That is better and more suitable for final determination.’(4:59).
“Allah the Most Perfect and High has negated the belief of those who do

not make the Prophet the judge in that about which they differ – strengthening the negation by repeating it and swearing upon it. He says: ‘But no, by your Lord, they can have no belief, until they make you a judge in all disputes between them, and find no resistance in themselves against your judgments, and instead submit wholeheartedly.’(4:65).” – “Al-Fataawa”, Vol. 12/284; and “Risalat Tahkeem Al-Qawaneen”.

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14. Shaykh Abdur-Rahman ibn Qaasim al-’Aasimee (d. 1392H):

“Like the ones who rule with the laws of Jahiliyyah and the international laws, rather, even one who rules by other than what Allah revealed, whether he rules with the laws or with something which has been invented that is not from the Shara’ or affirmed in the Hukm, then he is a Taghuut from the greatest Tawagheet.” – From his commentary on “Usool ath-Thalaathah”, p. 96.

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15. Shaykh Muhammad Al-Ameen Ash-Shanqeetee (d. 1393H):

“The strange thing is from those who rule by other than the Sharee’ah of Allah, and then thereafter claims Islam. Like Allah ta’ala says, ‘Do you not see those who claim they believe in what was revealed to you and what was revealed before you? They wish to refer to false gods for judgment although they were commanded to reject them? Satan wishes to deviate them very far.’ And He says, ‘Whoever rules by other than what Allah Revealed, then they are the disbelievers.’ And He says, ‘Should I seek someone other than Allah as a judge although it is He who revealed to you the book that is detailed? Those who were given the book by Us know that it was revealed with truth by your Lord, so do not be from the doubters.’” – “Adwaa’ Al-Bayaan”, Vol. 3/441.

“And with these Heavenly texts that we have mentioned, it becomes quite clear that the ones who follow the fabricated laws, which the Shaytaan has legislated upon the tongues of his ‘Auliya and which oppose that which Allah, jala-wa’ala has legislated upon the tongues of His Messengers, peace be upon them, that no one doubts their Kufr and their Shirk except him who Allah has removed his sight and has blinded them to the light of the revelation as they are!

“Take note: Know that it is Waajib to differentiate between the invented institutions, which are Kufr in the Creator of the Heavens and Earth, to judge according to them and between the institutions, which aren’t. As for the legislative institutions, which contradict the legislations of the Creator of the Heavens and the Earth, then judging with these is Kufr in

the Creator of the Heavens and the Earth." – "Adwaa' Al-Bayaan", Vol. 4/82-85, tafseer of Surah Al-Kahf.
"So implementing this kind of system to govern people's lives, wealth, honor, lineage, minds, and religion, constitutes kufr in the Creator of the heavens and the earth, and rebellion against the divine system which was set up by the One Who created all of mankind and Who knows best what is in its interests. Glorified and exalted be He far above having any other legislator alongside Him." – "Adwaa' Al-Bayaan", Vol. 4/93.
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16. Allaamah Ibn al-Qayyim (d. 751H) said:
"And it is correct that judging by other than what Allaah has revealed is both types of kufr (disbelief) – kufr asghar (the minor disbelief) and kufr akbar (the major disbelief) – and [which of the two it is] depends on the condition of the ruler. If he believes in the obligation of judging by what Allaah has revealed in this situation but turned away from it – out of disobedience – and while acknowledging that he is deserving of punishment then this is kufr asghar. And if he believes that it is not obligatory and that he has a choice in the matter – along with his firm belief that it is the judgement of Allaah – then this is kufr akbar – and if was ignorant in the matter or made an error then he is one who errs (mukhtee') and his ruling is as the same for those who err. [Madaarij us-Saalikeen 1/337]
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17. Imaam Ibn al-Jawzee (d. 596H) said:
"And the decisive speech in this regard is that whoever does not judge by what Allaah has revealed – while rejecting it [in belief] {jahahda) and he knows that it is Allaah who revealed it – as the Jews did – then he is a disbeliever. And whoever does not judge by what Allaah has revealed – inclining to his desires without rejecting it [in belief] then he is a dhaalim, faasiq and it has been reported from Alee bin Abu Talhah from Ibn Abbaas that he said: "Whoever rejects (jahada) what Allaah has revealed then he has disbelieved, and whoever affirms it (aqarra bihi) but does not judge by it – then he is a dhaalim, a faasiq." [Zaad al-Maysir 2/366]
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18. Shaikh Muhammad Ameen ash-Shanqeetee (d. 1393H) said:
"Know that the liberating stance in this topic is that kufr, dhulm and fisq, all of them can be used in the legislation with the intent of 'disobedience' at one time and with the intent of 'kufr that ejects from the religion

another time'. And whoever does not judge by what Allaah has revealed, turning away and contradicting the Messenger (sallallaahu alayhi wasallam) and nullifying the rulings (ahkaam) of Allaah, then his dhulm, fisq, and kufr – all of them are disbelief that eject from the religion. And whoever does not judge by what Allaah has revealed, whilst believing that he is committing a forbidden action and doing a reprehensible action, then his kufr, dhulm and fisq does not eject him from the religion. [Adwaa al-Bayaan 2/104]

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19. Imaam ibn Abee Izz al-Hanafee (d. 792H) said: "And there is a matter which it is necessary to comprehend well – that ruling by other than what Allaah has revealed can sometimes be kufr that ejects from the religion and sometimes a major or minor sin – or it can be 'metaphorical kufr' (kufran majaaziyyan) or 'minor kufr' – and this is in accordance with the state of the ruler. If he believes that ruling by other than what Allaah has revealed is not waajib and that he has a choice in the matter – or if he disdains/despises it – while having conviction that it is the rule of Allaah, then this is the major kufr. And if he believes in the obligation to rule by what Allaah has revealed and in this [particular] incident [he knows it to be the rule of Allaah] but he turns away from it – whilst acknowledging that he deserves punishment then he is a disobedient person and he is termed a disbeliever with the metaphorical type of kufr or the minor type of kufr. [Sharh Aqeedat it-Tahaawiyyah p. 363]

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20. And the Imaam and Mujaddid, Shaikh Muhammad bin Abdul Wahhaab (d. 1206H) said:
"Know that those things which eject from the religion (nawaaqid) are then in number: ...Whoever believes (i'taqada othat a guidance other than that of the Prophet (sallallaahu alayhi wasallam) is more perfect or that the judgement other than his is better – such as the one who gives preference to the hukm of the tawaagheet – then such a one is a disbeliever..." [Mu'allifaat Ash-Shaikh al-Imaam Muhammad bin Abdul-Wahhaab - al-Qismul-Awwal]

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21. Shaykh Ibn Taymeeyah. Majmoo' al-Fataawa, Volume 28, pages 501-508
The Shaykh of Islam was asked:
"What do the scholars of the Deen have to say regarding those Mongols who invaded the Muslim lands of Sham in the year 699 Hijri, and who,

as is well-known, killed many Muslims, took captive some of their children, and robbed the Muslims which they found. They violated what is inviolable and sacred in the Deen, by humiliating the Muslims and desecrating the masaajid, especially Masjid al-Aqsa, by taking from the personal wealth of the Muslims and from that of Bayt ul-Maal enormous amounts, and by taking prisoner a great number of Muslims and removing them from their countries. Then, after all this, they claimed that they adhere to the Shahaadatayn, and that it is haraam for anyone to wage war on them, because they claimed to be adherents to the foundation of Islam and because they no longer persecuted the Muslims. Is it lawful to wage war on them, or is it obligatory? If it is either, then what is the reason for it being so? Give us your opinion – may you be rewarded."

He (rahimahullaah) answered:

Alhamdulillaahi Rabbi-l-'Aalameen.

Every group which leaves, changes, or refuses to implement any agreed upon, undisputed law of Islam, whether it is these people or others, must be fought until they adhere to all the laws of Islam. This is the rule even if they pronounce the Shahaadatayn and adhere to some of the Islamic laws, as Abu Bakr as-Siddeeq and the Sahaabah(radiAllahu anhum) waged war on those who withheld the Zakaah.

As well, the scholars who came after the Sahaabah are in agreement about this principle. For, after the initial objection made by 'Umar to Abu Bakr, the Sahaabah (radiAllahu anhum), agreed to wage war for the rights of Islam, and in this, they were adhering to the Qur'aan and Sunnah.

Moreover, the Prophet's hadeeth about the Khawaarij is established by ten chains of narration, and the Prophet, (sallAllahu alayhee wa sallam), said that they were the worst of the people, despite him saying,

"You will look down on your prayers when you compare it with their prayers, and your fasting when you compare it with their fasting."

Thus, it became known that if some people simply cling to the label of Islam without adhering to its laws, then the obligation of fighting them is not cancelled.

Therefore, any group which leaves, changes, or refuses to implement some of the obligatory prayers, or fasting, or the Hajj, or violates the blood and wealth of the Muslims, or engages in consumption of intoxicants, or adultery, or fornication, or gambling, or marrying the mahaarem, or who do not wage war against the Kuffaar, or do not

impose the jizyah on the Jews and Christians, or any other matter from the obligations and prohibitions of the Deen for which there is no excuse for not acting upon, then war must be waged against this group even if they accept that the obligation or prohibition is part of the Deen. And I do not know of any disagreement amongst the scholars in this regard. Where the scholars have disagreed is regarding the group which insists on leaving certain Sunan, such as the rakaatayn before Salaat ul-Fajr, the calling of the adhaan and iqaamah (among those who do not regard it as obligatory), and other such Islamic practices. The scholars have disagreed regarding the question: 'Is the group which leaves these practices fought or not?'...

However, with regard to the undisputed obligations and prohibitions, which we have mentioned before, there is no difference of opinion about waging war on them.

And the group which withholds from Islam is considered by the investigating scholars to have a different status than al-Bughaat (those who rebel against the ruler, or dissent from his obedience). An example of the latter is the people of Sham who rebelled against Ameer ul-Mu'mineen Ali ibn Abi Taalib; people who refused to obey a particular leader, rebelled against him, and tried to remove him. But the first group has dissented from Islam, and has the same position as those who withheld [from paying] the Zakaah, and the same position as the Khawaarij whom Ali ibn Abi Taalib, radiAllahu anhu, fought.

And Ali fought the people of Basra and Sham differently from the people of Nahrawan; his way with the people of Basra and Sham was like that of a brother with his brother, and his way with the Khawaarij was not like that. And the proven ahadeeth of the Prophet, sallAllahu alayhee wa sallam, established the basis for the Sahaabah's consensus on Abu Bakr as-Siddeeq's war against the withholders' of Zakaah and Ali's war against the Khawaarij. And that is unlike the Fitnah with the people of Basra and Sham – the texts of Qur'aan and Ahadeeth confirm about it what they confirm, and the Sahaabah disagreed about it (i.e. the fitnah behind the Battles of Jamal and Siffeen – for it was Believers fighting against Believers).

Some scholars hold that the Ahl al-Baghi (people of rebellion) whom it is obligatory to fight are those who have rebelled against the Imaam after making a palatable misinterpretation of some text of the Qur'aan and ahadeeth to substantiate their actions, and not those who have simply refused to obey him. Others regard both groups as Bughaat.

Nevertheless, there is a clear-cut distinction between the Bughaat and the Mongols, and I know of no difference of opinion regarding the obligation of waging war on those who leave, withhold from, or refuse to implement any of the undisputed laws of Islam.

Now that this principle has been established, it must be said that the army of the people about whom you have asked includes some Kuffaar from amongst the Christians and Mushrikeen, as well as others who affiliate themselves with Islam (and they form the majority). They will pronounce the Shahaadatayn if it is demanded from them, and they will extol the Messenger of Allah (sallAllahu alayhee wa sallam), but only a minority of them prays, and more of them fast during Ramadhaan than pray. The Muslim, in their estimation, is greater than others, and they hold the righteous Believers in esteem. They have some Islam, and differ in the extent to which they adhere to it. But most of them leave aside many or most of the obligatory aspects of the Deen, and this is why they are fought.

Notably, they enjoin Islam, but they do not fight the ones who leave it; indeed, whoever fights for the Maghool state is honoured by them, and they will not challenge him even though he is the enemy of Allah and His Messenger. Likewise, if someone rebels against the Maghool state or attacks it, they will regard it as lawful to fight him, even if he is of the best of Muslims. They do not establish Jihad against the disbelievers, nor do they make Ahl al-Kitaab submissive and force them to pay the Jizyah (as commanded in al-Qur'aan, Ayah 9:29). They do not forbid any of their troops from worshipping whatever they like, be it the sun, the moon, or something else.

What is apparent from their conduct is that the Muslim has – by their reckoning – the same status which Muslims would give to the honest, righteous person, while the Kaafir, in their eyes, has the same status which the Muslims would give to a Faasiq or some Muslim who leaves the voluntary deeds of goodness (nawaafil). Furthermore, the majority of them do not regard the blood and wealth of the Muslims to be inviolable, except when their Sultaan forbids them from it. They do not leave off taking the blood and wealth of the Muslims, and if their Sultaan forbids them from it or from anything else, they will obey because he is the Sultaan, and not because of the Deen. The majority of them do not perform the obligatory duties – not the prayer, nor the Zakaah, nor the Hajj, etc. Similarly, they do not judge amongst themselves by the Laws of Allah, but rather, judge according to rules which agree with Islam on

some points, and disagree on others.
And fighting this type of people is obligatory, by agreement of the Muslims; none who know this Deen of Islam and know the truth about these people will doubt this – because this path which they are on and the true Deen of Islam can never be reconciled. And if it is obligatory to fight those Kurds, Bedouins, and other inhabitants of the desert who do not adhere to the Sharee'ah of Islam, even though their disease has not spread to the cities, then how about the Mongols?...
Yes, it is obligatory to fight them in the manner enjoined by the Sharee'ah, which includes inviting them to adhere to the laws of Islam if the Da'wah to the complete Deen has not reached them, just as al-Kafir al-Harbi would have to first be invited to the Shahaadatayn if the Da'wah has not reached him.
If those who take up arms against this group completely conformed to Sharee'ah in their words, deeds, and niyyah (intention), then this is teh best way to seek Allah's pleasure, establish His Deen, and obey His Messenger. And if those who are fighting against people like the Mongols show some immorality, or transgress against the enemy in some way not sanctioned by Sharee'ah, or have a corrupt intention due to their fighting for leadership, and the harm of not fighting the 'withholding' group has worse consequences for Islam than fighting alongside the corrupt people has, then it is obligatory to fight them to prevent the greater of two harms; and this is one of the Usool (principles) of Islam which must be born in mind.
It is one of the Usool of Ahl us-Sunnah wa-l-Jama'ah to join the military raids with every leader, whether righteous or immoral, because Allah sometimes aids this Deen by the faajir, or worthless and despicable people, as mentioned by the Prophet (sallAllahu alayhee wa sallam). It is also an Usool because to not be able to join the military raids [even] with immoral commanders or with soldiers among whom immorality is widespread could have the consequence of victory and conquest by others who are more harmful to Deen and Dunya. So joining the military expedition with the unrighteous commanders and soldiers prevents the worst of the two choices, and leads to establishing (at least) most of the Laws of Islam, if not all of them.
And this is what is obligatory in this situation, and every situation like it. Indeed, most of the military expeditions which took place after the time of the Khulafaa' ar-Rashidun (Rightly Guided Caliphs) did not take place except in this manner.

The Prophet (sallAllahu alayhee wa sallam), said:
“Tied to the forelocks of the horses is the good until Yawm al-Qiyaamah (Day of Resurrection) – the reward and the booty.”
This authentic hadeeth supports the meaning of a hadeeth narrated by Abu Dawood in his Sunan:
“Military expeditions (al-Ghazw) will persist from the time of my being sent by Allah until the last of my Ummah fights the Dajjaal. They are not annulled by the tyranny of a tyrant, nor by the justice of a just leader.”
Also, it is well-known that the Prophet (sallAllahu alayhee wa sallam), said:
“A group of my Ummah will remain victorious on the Truth. They will not be
harmed by those who differ with them, until Yawm al-Qiyaamah.”
These ahadeeth are just some of the many texts in the Qur’aan and Sunnah which Ahl us-Sunnah wa-l-Jama’ah, alone among all groups, have agreed to adhere to, by joining the leaders, whether righteous or immoral, in Jihad against whoever deserves it; and this is unlike the Raafidhah (Rejectors: i.e. Shi’ah) or the Khawaarij, who are outside the Sunnah and the Jama’ah.
However, the Prophet, sallAllahu alayhee wa sallam, also said:
“There will be unjust, disloyal, and immoral leaders. Whoever believes in them, in spite their lies, and helps them, then he is not of me and I am not of him, and he will not reach the Hawdh (Prophet’s Fountain). And whoever does not believe in them, because of their lies, and does not help them in their injustice, then he is of me and I am of him, and he will reach the Hawdh.”
Thus, if a person knows what the Prophet (sallAllahu alayhee wa sallam), ordered in terms of Jihad to be undertaken with the leaders until the Day of Judgement, and if he also knows that the Prophet (sallAllahu alayhee wa sallam), forbade helping the unjust in their injustice, then he will know [that] the middle way – which is the pure Deen of Islam – is to take part in the Jihad against any people who deserve it, such as these people which I have been asked about, alongside any leader and group that is closer to Islam then they are. And that is [only] if it is not possible to establish Jihad against them in any other way.
One must also avoid helping the group he is with in anything which involves disobeying Allah. He should obey them in obeying Allah, and not obey them in disobeying Allah. For it is not allowed to obey any person in disobedience to the Creator. This is the way of the best of this

Ummah, in old and modern times, and this way is obligatory on every mukallaf (i.e. person who is sound of mind). This is the middle way, between the way of the Harooriyyah (Khawaarij) and their likes – who, due to their deficient knowledge, follow the path of unsound piety – and the way of the Murji'ah and their likes, who follow the path of complete obedience to the rulers, even if they are unrighteous.

We ask Allah to guide our Muslim brothers to whatever He loves and is pleased with, whether it is from words or from deeds. And Allah knows best, and may the Peace and Blessings of Allah be on our Prophet Muhammad and on his family and Companions.